

**REMARKS**

In the Office Action<sup>1</sup>, the Examiner:

rejected claims 1-8, 10, 11, 13-18, 20, 21, and 23-32 under 35 U.S.C. § 103(a) as allegedly unpatentable over *B2B Collaborative Commerce with Sametime, QuickPlace and WebSphere Commerce Suite* authored by Nielsen ("Nielsen") in view of *OAGIS implementation using the ebXML, CPP, CPA, and BPSS specifications v. 1.0* authored by Dubray ("Dubray");

rejected claims 9, 19, and 22 under 35 U.S.C. § 103(a) as allegedly unpatentable over Nielsen and Dubray<sup>2</sup> in view of a web page news release entitled *United Nations and Oasis Join Forces to Produce Global XML Framework for Electronic Business* published by ebXML ("ebXML"); and

rejected claim 12 under 35 U.S.C. § 103(a) as allegedly unpatentable over Nielsen and Dubray in view of Official Notice.

Claims 1, 21, 23, and 25 are amended by this reply. No new matter is added.

Claims 1-32 remain pending.

Applicant respectfully traverses the rejection of claim 1 under 35 U.S.C. § 103(a) as allegedly unpatentable over Nielsen and Dubray. A *prima facie* case of obviousness has not been established.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See id. "A

---

<sup>1</sup> The Office Action may contain statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

<sup>2</sup> The Office Action does not cite Dubray in the rejection of claims 9, 12, 19, and 22. Inasmuch as these claims depend from independent claim 1 or 21, and claims 1 and 21 are rejected in view of Dubray, Applicant assumes that the Office Action intended to cite Dubray in the rejection of claims 9, 12, 19, and 22.

conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention.” M.P.E.P. § 2145. Furthermore, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art” at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. Moreover, “[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original).

“[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

Independent claim 1 recites, for example, “predefining a sequence of business transactions to be executed in a first computer, the sequence being predefined according to received sequence modification input” (emphasis added). The Office Action correctly recognizes that Nielsen fails to disclose or suggest this feature of claim 1. Office Action p. 5-6. The Office Action alleges that Dubray remedies this deficiency of Nielsen. But, this allegation is not correct.

Specifically, the Office Action alleges Dubray discloses the claimed “predefining a sequence of business transactions to be executed” because Dubray discloses that “each Business Transaction needs to be specified and choreographed (e.g., predefining a sequence.” Office Action p. 6. The disclosed “choreography,” however, does not disclose or suggest the claimed “predefining a sequence.” The Office Action cites Webster’s Dictionary and relies on the third definition of the word “choreography”<sup>3</sup> stating “‘3. the planning and coordination of activities for event, especially one to be held in public’ [is allegedly taught by Dubray] because Dubray uses choreography in the sense of [a] business transaction, it is clear that the event/steps/movements in the choreography refers to business transactions, therefore Dubray does disclose a predefined sequence.” Office Action p. 2.

Applicant asserts that the word “choreography” in Dubray, even if interpreted according to Webster’s Dictionary, does not disclose or suggest a “predefined sequence” to one of ordinary skill in the art because “choreography” does not specifically require a “sequence.” However, even if it is assumed that the Office Action’s allegation is correct and “choreography” can be interpreted as a “predefined sequence,” which it cannot, there is still no disclosure or suggestion that any alleged “predefined sequence” in Dubray is “predefined according to received sequence modification input,” as claimed in claim 1.

---

<sup>3</sup> The Office Action has not established a date for this reference, has not cited it on a PTO-892 form, and therefore, has not properly identified the reference. Applicant’s statements replying to the assertions of the Office Action herein do not constitute acceptance or an admission that the cited definition constitutes “prior art.”

Specifically, nothing in Dubray suggests that the “choreography,” once established, can be further “predefined” by “sequence modification input.” In Dubray, once the “choreography” is set, there is also no disclosure or suggestion that the “choreography” can be modified by “sequence modification input.” Therefore, for at least this reason, Dubray does not remedy the deficiencies of Nielsen because it fails to disclose or suggest any “sequence [that is] predefined according to received sequence modification input.” Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1. The rejection is therefore improper and should be withdrawn.

Notwithstanding the above discussion, claim 1 is allowable for at least the following separate and distinct reason. Claim 1 recites “creating a business schema by combining the predefined sequence with at least one document assigned to the sequence of business transactions, the at least one document to be combined with the predefined sequence of business transactions being selected according to a received context selection for identifying the at least one document” (emphasis added). The Office Action correctly recognizes that Nielsen does not disclose or suggest this feature of claim 1. Office Action p. 5-6. The Office Action does allege, however, that Dubray remedies the deficiencies of Nielsen. Office Action p. 5-6. But, this allegation is not correct.

Specifically the Office Action states “Figures 8-12 [of Dubray] illustrate business schemas e.g., collaboration activity diagram, [and] Figures 4 and 7 illustrates assigning a document to each business transaction.” Office Action p. 6. Even if the Office Action is correct, however, there is still no disclosure or suggestion in Dubray that a “document

to be combined with the predefined sequence of business transactions” is “selected according to a received context selection for identifying the at least one document.”

Nothing in Dubray, whether in Figures 4 or 7 or elsewhere in the reference, discloses or suggests that (1) a “business schema” is created by the combination of the “document” and the “predefined sequence of business transaction” or that (2) the “document to be combined” is “selected according to a received context selection for identifying the . . . document.”

Therefore, for at least this reason, Dubray does not remedy the deficiencies of Nielsen at least because it fails to disclose or suggest that the “(1) a “business schema” is created by the combination of the “document” and the “predefined sequence of business transaction” or that (2) the “document to be combined” is “selected according to a received context selection for identifying the . . . document.” Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1. The rejection is therefore improper and should be withdrawn.

Independent claims 21, 23, and 25 although of a scope different from that of claim 1, recite features similar to those discussed above in connection with claim 1. Applicant asserts that independent claims 21, 23, and 25 are allowable over Nielsen and Dubray for reasons similar to those discussed above in connection with claim 1. Accordingly, Applicant submits that claims 21, 23, and 25 are allowable and requests that the rejection of claims 21, 23, and 25 be withdrawn.

Claims 2-8, 10, 11, 13-18, 24, and 26-32 depend from one of independent claims 1, 21, 23, or 25. Inasmuch as these claims depend from an allowable independent

claim, these claims are allowable at least due to their respective dependencies.

Applicant respectfully requests that the rejection of these claims be withdrawn.

Applicant respectfully traverses the rejection of claims 9, 12, 19, and 22 under 35 U.S.C. § 103(a) over Nielsen and Dubray in view of one of ebXML or Official Notice.

The Office Action acknowledges that Nielsen fails to disclose or suggest a “predefining a sequence of business transactions to be executed in a first computer, the sequence being predefined according to received sequence modification input.” Office Action p. 6.

The Office Action incorrectly relies on Dubray to remedy the deficiency of Nielsen as discussed above with respect to independent claim 1. Since neither Official Notice nor ebXML remedy the deficiencies of Nielsen and Dubray, the rejection of dependent claims 9, 12, 19, and 22 is incorrect and should be withdrawn.

Furthermore, claims 9, 12, 19, and 22, depend from claim 1 and are allowable at least due to their respective dependencies. Accordingly, Applicant respectfully requests that the rejection of dependent claims 9, 12, 19, and 22 be withdrawn.

**CONCLUSION**

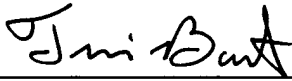
In view of the foregoing, Applicant respectfully requests reconsideration of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 14, 2010

By:   
\_\_\_\_\_  
Travis R. Banta  
Reg. No. 60,498  
(202) 408-4000